

REMARKS

Claims 160-203 have been amended. No claims have been added or cancelled. Therefore, claims 1-203 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 1-44, 48-82, 86-105, 109-143, 147-157 and 160-203 under 35 U.S.C. § 103(a) as being unpatentable over Dutta et al. (U.S. Publication 2002/0073075) (hereinafter “Dutta”) in view of Borella et al. (U.S. Patent 6,269,099) (hereinafter “Borella”), and claims 45-47, 83-85, 106-108, 144-146, 158 and 159 as being unpatentable over Dutta and Borella, further in view of Dutta et al. (U.S. Publication 2002/0073204) (hereinafter “Dutta '204”). Applicants traverse this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, Dutta in view of Borella fails to teach or suggest *a core layer comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share network resources in the peer-to-peer environment*. The Examiner cites Dutta (page 3, paragraphs 0038 and 0040) as teaching this limitation. These paragraphs describe nodes within a peer-to-peer network acting as a distributed file sharing system, in which the nodes act cooperatively to form a distributed search engine, and the use of connection host lists that identify nodes to which each peer node is connected. They do not describe a core layer, including one or more peer-to-peer platform protocols, nor cooperating to form peer groups and share network resources, as recited in claim 1. This limitation is not taught or suggested anywhere in Dutta or Borella, or in the combination thereof.

Further regarding claim 1, Dutta in view of Borella fails to teach or suggest *one or more rendezvous nodes, wherein each rendezvous node is operable to cache one or more*

resource advertisements for discovery by the peer nodes on the peer-to-peer network, contrary to the Examiner's assertion. The Examiner cites Dutta (page 4, paragraph [0045]; page 6, paragraph [0076]; and page 7, paragraph [0082]) as teaching this limitation. The first of these paragraphs describes a Globally Unique Identifier (GUID), contained in each message. When a node receives a message, its GUID is compared with a stored list of GUIDs corresponding to messages previously received by the node. Applicant assumes the Examiner means to equate these GUIDs with the resource advertisements of the present invention. However, there is nothing in Dutta that describes these GUIDs being cached by a rendezvous node. Nor does this portion of Dutta describe that the GUIDs are discovered by peer nodes on a peer-to-peer network. The Examiner's second and third citations refer to a registered root node, which Applicants assume the Examiner means to equate with the rendezvous node of the present invention. However, this registered root node is not described as operable to cache resource advertisements for discovery by the peer node on the peer-to-peer network, as recited in claim 1. Instead, Dutta's "root nodes" are described as: "the set of nodes to which a particular node connects may be termed the 'root nodes' of the particular node" (paragraph [0041]) and a "registered root node" is described as a node which user has registered as a "root node", e.g., to join a service operator's peer-to-peer network (paragraph [0053]).

Furthermore, Dutta's GUIDs are not described as comprising *an indication of how to access a corresponding network resource*, as recited later in claim 1 regarding resource advertisements. The Examiner cites Dutta (page 5, paragraph [0062]) as teaching this limitation. However, this citation does not describe GUID's or resource advertisements, but instead describes search hits comprising hyperlinks containing the title of a web page or other file or document matching a search query. These search links are also not described as being cached by a rendezvous node, nor is there anything else in Dutta or Borella, or the combination thereof, that teaches or suggests this limitation of claim 1.

Finally, Dutta in view of Borella fails to teach or suggest *one or more resource advertisements are formatted in accordance with the peer-to-peer platform discovery*

protocol. The Examiner cites Dutta (page 3, paragraph [0032]) as teaching *one or more resource advertisements are formatted in accordance with the peer-to-peer platform protocol*, and admits that Dutta fails to teach that the one or more peer-to-peer platform protocols include *a discovery protocol*. However, the Examiner's citation in Dutta describes a browser for accessing hypertext documents in a variety of file formats and types of files, not resource advertisements formatted in accordance with a peer-to-peer platform protocol, as recited in claim 1.

The Examiner relies on Borella to disclose *peer-to-peer protocols include a discovery protocol* (column 2, lines 49-57) and states that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Borella's teaching into Dutta's method to use the discovery protocol to identify one another in the peer-to-peer platform in order to enhance performance, reliability and security of data transmitted over the Internet to and from Autonomous Systems or other networks. However, since Dutta's method does not rely on resource advertisements to identify nodes to each other, applying a discovery protocol to Dutta's method would still not result in the present invention, in which *one or more resource advertisements are formatted in accordance with the peer-to-peer platform discovery protocol*. Furthermore, there is no suggestion in the cited art or elsewhere that applying the teachings of Borella to Dutta's system would result in enhanced performance, reliability or security of data transmitted over the Internet.

Applicants remind the Examiner that, "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)", as stated in MPEP §2142.

As discussed above, at least two of these criteria have not been met in the Examiner's rejection of claim 1. First, there is not sufficient motivation shown to combine the teachings of Dutta and Borella. Second, the discovery protocol as disclosed by Borella with the methods of Dutta clearly would not produce the present invention. The prior art references, taken separately or in combination, do not teach all the limitations of claim 1.

Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested.

Applicants' discussion above regarding claim 1 applies also to independent claim 86, which recites a peer-to-peer network comprising a plurality of peer nodes, one or more rendezvous node, and means for implementing the operations of the peer nodes and rendezvous nodes recited in claim 1; independent claim 109, which recites a method for implementing the operations of the peer nodes and rendezvous nodes recited in claim 1; and independent claim 160, which recites a tangible, computer-accessible medium comprising program instructions computer-executable to implement the operations of the peer nodes and rendezvous nodes recited in claim 1.

Regarding claim 48, contrary to the Examiner's assertion, Dutta in view of Borella fails to teach or suggest *a rendezvous node, comprising a processor, a port operable to couple the peer node to a network, and a memory operable to store program instructions, wherein the program instructions are executable by the processor to communicate with one or more peer nodes on a peer-to-peer network and cache one or more resource advertisements for network resources, wherein each of said resource advertisements comprises an indication of how to access the corresponding network resource, wherein said resource advertisements are discoverable by said one or more peer nodes.* As discussed above regarding claim 1, the Examiner's citations do not teach a rendezvous node, nor do they teach caching one or more resource advertisements for network resources. Dutta in view of Borella also fails to teach or disclose the additional limitations of claim 48, including various components of a rendezvous node, which comprises a processor, a port and a memory operable to store program instructions

executable by the processor to implement the operations of the rendezvous node (as discussed above regarding claim 1).

The Examiner rejected independent claim 48 under the same rationale as claim 1. However, the scope of claim 48 differs from that of claim 1. **Since the Examiner failed to address the differences between claim 1 and claim 48, the Examiner has failed to state a *prima facie* rejection of claims 48.**

For at least the reasons above, the rejection of claim 48 is not supported by the prior art and removal thereof is respectfully requested.

Applicants' discussion above regarding claim 48 applies also to independent claim 147 which recites a method for implementing the operations of a rendezvous node, as recited in claim 48; and to independent claim 194, which recites a tangible, computer-accessible medium comprising program instructions executable to implement the operations of a rendezvous node, as recited in claim 48. Claims 147 and 194 also include the additional limitation of *one or more peer nodes discovering said resource advertisements*. This additional limitation is not taught by Dutta or Borella, or by the combination thereof. The Examiner rejected independent claims 147 and 194 under the same rationale as claim 1. However, the scope of claims 147 and 194 differs from that of claim 1. Since the Examiner failed to address the differences between claim 1 and claims 147 and 194, the Examiner has failed to state a *prima facie* rejection of claims 147 and 194.

For at least the reasons above, the rejection of claims 147 and 194 are unsupported by the prior art and removal thereof is respectfully requested.

The Examiner also rejected dependent claim 49 under the same rationale as claim 1, but failed to address the limitation recited therein. Applicants assume this was a typographical error made when listing the independent claims of the present invention in the remarks in section 3 of the Office Action.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

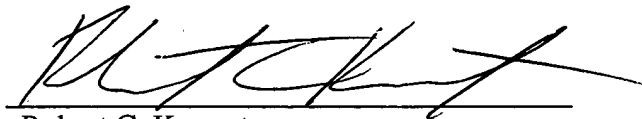
Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07200/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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